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<p>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - <u>SANTA ANA</u> DIVISION</p>	
<p>In re: THE LITIGATION PRACTICE GROUP P.C.,</p>	<p>CASE NO.: 8:23-bk-10571-SC CHAPTER: 11</p> <p>NOTICE OF LODGMENT OF ORDER IN BANKRUPTCY CASE RE: (<i>title of motion</i>¹): <u>Emergency Motion (I) for Entry of Interim Order: (A)</u> <u>Authorizing The Trustee to Obtain Post-Petition Financing</u> <u>and Superpriority Administrative Expense Claim Pursuant</u> <u>to 11 U.S.C. § 364; and (B) Setting Final Hearing; and</u> <u>Pursuant to Final Hearing, (II) for Entry of Final Order</u> <u>Approving Post-Petition Financing on a Final Basis</u></p>
Debtor(s)	

PLEASE TAKE NOTE that the order titled ORDER ON NOTICE OF NON-MATERIAL MODIFICATION TO PROMISSORY NOTE WITH ADDITIONAL LENDER AS PART OF PREVIOUSLY APPROVED POST-PETITION FINANCING AND REQUEST FOR APPROVAL OF SAME

was lodged on (date) August 18, 2023 and is attached. This order relates to the motion which is docket number 119.

¹ Please abbreviate if title cannot fit into text field.

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9
9 **UNITED STATES BANKRUPTCY COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION**
11

12 In re:
13 THE LITIGATION PRACTICE GROUP P.C.,
14 Debtor.

Case No. 8:23-bk-10571-SC
Chapter 11

15
16
17 **ORDER ON NOTICE OF NON-
MATERIAL MODIFICATION TO
PROMISSORY NOTE WITH
ADDITIONAL LENDER AS PART OF
PREVIOUSLY APPROVED POST-
PETITION FINANCING AND REQUEST
FOR APPROVAL OF SAME**

18 Date: August 10, 2023
19 Time: 10:00 a.m.
20 Judge: Hon. Scott C. Clarkson
21 Place: Courtroom 5C
22 411 West Fourth Street
Santa Ana, CA 92701

23
24 On June 16, 2023, Richard A. Marshack, the Chapter 11 Trustee (the “Trustee”) for the
25 bankruptcy estate (the “Estate”) of The Litigation Practice Group, P.C., in the above-captioned
26 bankruptcy case filed a *Notice of Motion and Emergency Motion (I) for Entry of Interim Order*: (A)
27 *Authorizing The Trustee to Obtain Post-Petition Financing and Superpriority Administrative*
28 *Expense Claim Pursuant to 11 U.S.C. § 364; and (B) Setting Final Hearing; and Pursuant to Final*

1 *Hearing, (II) for Entry of Final Order Approving Post-Petition Financing on a Final Basis* [Docket
2 No. 119] (the “Financing Motion”). This Court heard the Financing Motion and On June 22, 2023,
3 entered an Interim Order [Docket No. 131] granting the Financing Motion that, among other things,
4 set a Final Hearing on July 20, 2023, authorized the Trustee to borrow up to \$800,000.00 of Post-
5 Petition Financing in advance of the Final Hearing, and gave the Trustee the authority to make non-
6 material changes to the terms of the Post-Petition Financing in advance of the Final Hearing with
7 proper notice. The Court moved that Final Hearing to August 10, 2023 at 10:00 a.m. to provide
8 parties more time.

9 The lender identified in the Financing Motion provided financing in the amount of
10 \$249,663.98.

11 On June 29, 2023, the Trustee filed a Notice in the case that the lender identified in the
12 Financing Motion as being willing and able to lend the \$800,000 to the Estate was unable or
13 unwilling to loan any amount beyond the \$249,663.98 that it had previously advanced (the “Ex Parte
14 Notice”) [Docket No. 156].

15 The Trustee asked that the Court approve the Ex Parte Notice. The Court set the matter for
16 hearing on June 30, 2023, entered an Order granting the Ex Parte Notice [Docket No. 168] that,
17 among other things, set a Final Hearing on August 10, 2023.

18 On or about July 3, 2023, Trustee filed his Declaration [Docket No. 170] providing, *inter*
19 *alia*, an executed copies of the notes executed pursuant to the Financing Motion in the amount of
20 \$249,663.98 (“Resolution Ventures Note No. 1”) and the note executed pursuant to the Ex Parte
21 Notice in the amount of \$550,336.02 (“Liberty Acquisitions Note”).

22 On or about July 18, 2023, the Official Committee of Unsecured Creditors (the
23 “Committee”) filed an Omnibus Limited Opposition and Reservation of Rights Concerning: (I) the
24 Trustee’s Emergency Motion for Entry of a Second Interim Order Authorizing Post-Petition
25 Financing and Superpriority Administrative Expense Claim Pursuant to 11 U.S.C. § 364; and (II)
26 Liberty Acquisitions Group, Inc.’s Statement in Support Thereof [Docket No. 282] (the “Omnibus
27 Committee Limited Objection”).

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1 On or about July 27, 2023, the Committee filed its Omnibus Response and Reservation of
2 Rights Regarding Final Hearing on Postpetition Financing Motions [Docket No. 341] (the
3 “Omnibus Committee Response” together with the Omnibus Committee Limited Objection, the
4 “Committee Objections”).

5 The Court, having considered the Ex Parte Notice, all pleadings filed in support thereof, the
6 Committee Objections, having heard oral argument, and good cause appearing including the reasons
7 stated on the record and in the Ex Parte Notice, the Court ordered as follows:

8 IT IS ORDERED that:

- 9 1. The Ex Parte Notice is granted, as modified herein;

10 2. Trustee is authorized to borrow \$550,336.02, the difference between the \$249,663.98

11 advanced by Resolution Ventures pursuant to the Resolution Ventures Note No. 1, and the

12 maximum indebtedness authorized by the Financing Motion, in the amount of \$800,000, from

13 Liberty Acquisitions, pursuant to the Resolution Ventures Note No. 1;

14 3. Liberty Acquisitions Group shall not be entitled to payment on the timeline set forth

15 at Section 2(ii) of the Liberty Note and, shall, instead be repaid within 1-year at 8% interest pursuant

16 to Section 2(i) of the Liberty Note.

17 4. Finds that there is no stay of this Order, including no stay pursuant to Rule 6004(h)

18 of the Federal Rules of Bankruptcy Procedure (to the extent applicable);

19 5. Retains jurisdiction with the Court with respect to all matters arising from or related

20 to the implementation of this Order.

21 || IT IS SO ORDERED.

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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 655 W. Broadway, Suite 800, San Diego, California 92101

A true and correct copy of the foregoing document entitled **NOTICE OF LODGMENT OF ORDER IN BANKRUPTCY CASE RE: Emergency Motion (I) for Entry of Interim Order: (A) Authorizing The Trustee to Obtain Post-Petition Financing and Superpriority Administrative Expense Claim Pursuant to 11 U.S.C. § 364; and (B) Setting Final Hearing; and Pursuant to Final Hearing, (II) for Entry of Final Order Approving Post-Petition Financing on a Final Basis**

will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On August 18, 2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On August 18, 2023, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on August 18, 2023, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

JUDGE'S COPY

The Honorable Scott C. Clarkson
United States Bankruptcy Court
Central District of California
Ronald Reagan Federal Building and Courthouse
411 West Fourth Street, Suite 5130 / Courtroom 5C
Santa Ana, CA 92701-4593

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

August 18, 2023
Date

Caron Burke
Printed Name

/s/ Caron Burke
Signature

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